

In the Matter Of:
KULAKOWSKI vs WESTROCK SERVICES

JERRY HARVILLE

November 16, 2017



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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL KULAKOWSKI,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO.
)	3:16-CV-02510
)	
WESTROCK SERVICES, INC.,)	
)	
Defendant.)	

DEPOSITION OF
JERRY WAYNE HARVILLE
Taken on Behalf of the Plaintiff
November 16, 2017
Commencing at 12:25 p.m.

Reported by: Jerri L. Porter, RPR, CRR
Tennessee LCR No. 335
Expires: 6/30/2018

<p>1 APPEARANCES: 2 For the Plaintiff: 3 HEATHER MOORE COLLINS 4 Collins & Hunter 5 7000 Executive Center Drive 6 Building 2, Suite 320 7 Brentwood, Tennessee 37027 8 (615) 724-1996 9 heather@collinshunter.com 10 11 For the Defendant: 12 MARY DOHNER SMITH 13 NELSON SUAREZ 14 Constangy, Brooks, Smith & Prophete 15 1010 SunTrust Plaza 16 401 Commerce Street 17 Nashville, Tennessee 37219 18 (615) 320-5200 19 mdohner@constangy.com 20 nsuarez@constangy.com 21 22 23 24 25</p>	<p>Page 2</p> <p>1 The deposition of JERRY WAYNE HARVILLE 2 was taken on behalf of the Plaintiff on November 16, 3 2017, in the offices of Bone, McAllester & Norton, 4 131 Saundersville Road, Suite 130, Hendersonville, 5 Tennessee, for all purposes under the Federal Rules 6 of Civil Procedure. 7 The formalities as to notice, caption, 8 certificate, et cetera, are waived. All objections, 9 except as to the form of the questions, are reserved 10 to the hearing. 11 It is agreed that Jerri L. Porter, 12 being a Notary Public and Court Reporter for the 13 State of Tennessee, may swear the witness, and that 14 the reading and signing of the completed deposition 15 by the witness are reserved. 16 17 18 19 20 21 * * * 22 23 24 25</p> <p>Page 4</p>
<p>1 I N D E X 2 INDEX OF EXAMINATIONS 3 4 Examination By Ms. Collins5 5 Examination By Ms. Dohner Smith33 6 7 8 PREVIOUSLY MARKED EXHIBITS 9 PRESENTED TO WITNESS 10 11 Exhibit Description Page 12 No. 27 8/12/16, 8/15/16, 8/17/16, 8/18/1627 13 Henley notes e-mails 14 Subject: Exit Interview with Johanna 15 Bates WestRock 000208-0214 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 3</p> <p>1 JERRY WAYNE HARVILLE 2 was called as a witness, and after having been first 3 duly sworn, testified as follows: 4 E X A M I N A T I O N 5 BY MS. COLLINS: 6 Q Good afternoon, I guess it is. Could you 7 state your complete name for the record. 8 A Jerry Wayne Harville. 9 Q Could you spell your last name? 10 A H-a-r-v-i-l-l-e. 11 Q Mr. Harville, what is your address? 12 A 450 Fort Blount Road. 13 Q What city is that? 14 A Hartsville, Tennessee. 15 Q Zip code? 16 A 37074. 17 Q Where do you currently work? 18 A WestRock. 19 Q How long have you worked out there? 20 A Almost 28 years. 21 Q Which facility do you work at? 22 A The main plant on Hartsville Pike. 23 Q Is that the Gallatin plant? 24 A Uh-huh. 25 Q And that's not the fulfillment center,</p> <p>Page 5</p>

<p style="text-align: right;">Page 6</p> <p>1 right?</p> <p>2 A No, ma'am.</p> <p>3 Q Have you worked at the fulfillment center?</p> <p>4 A Yes, ma'am.</p> <p>5 Q How long have you been at the main plant?</p> <p>6 A About seven years now.</p> <p>7 Q Would you go over to the fulfillment center?</p> <p>8 A Yes.</p> <p>9 Q Okay. How often do you go over to the</p> <p>10 fulfillment center?</p> <p>11 A Well, when I was the shipping manager, I</p> <p>12 would go about twice a week.</p> <p>13 Q All right. What is your current job title?</p> <p>14 A Forklift operator.</p> <p>15 Q How long have you been in that job?</p> <p>16 A About nine or ten months. Ever since they</p> <p>17 got rid of Tommy.</p> <p>18 Q Did you get moved over there after he was</p> <p>19 terminated?</p> <p>20 A Over?</p> <p>21 Q Over to the main plant.</p> <p>22 A No. I was already at the main plant.</p> <p>23 Q Okay. I guess I'm confused. Are you at the</p> <p>24 fulfillment center now?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q But you worked with Mr. Whited at times over</p> <p>2 at the fulfillment center, right?</p> <p>3 A Yes.</p> <p>4 Q And you worked with Mr. Whited at the</p> <p>5 fulfillment center at times in 2016 and 2015, right?</p> <p>6 A Uh-huh.</p> <p>7 Q When you were shipping manager, did you work</p> <p>8 around Michael Kulakowski?</p> <p>9 A Yes.</p> <p>10 Q Do you work around him anymore?</p> <p>11 A No.</p> <p>12 Q Who is your current supervisor that you</p> <p>13 report to?</p> <p>14 A Larry Eden.</p> <p>15 Q Have you ever seen Mr. Whited hit another</p> <p>16 employee?</p> <p>17 A Yes, ma'am.</p> <p>18 Q Who?</p> <p>19 A Michael Kulakowski.</p> <p>20 Q Anyone else?</p> <p>21 A Mike Eden.</p> <p>22 Q Who else?</p> <p>23 A Me.</p> <p>24 Q Who else?</p> <p>25 A That's all I can remember right now.</p>
<p style="text-align: right;">Page 7</p> <p>1 Q Okay.</p> <p>2 A I was the shipping manager when he got</p> <p>3 terminated.</p> <p>4 Q Okay.</p> <p>5 A And then when the new general manager come</p> <p>6 in, they done some changing, so...</p> <p>7 Q Okay. So you were the shipping manager at</p> <p>8 the main plant?</p> <p>9 A Uh-huh.</p> <p>10 Q And when you were shipping manager, that's</p> <p>11 when you would come over to the fulfillment center?</p> <p>12 A Yes, ma'am.</p> <p>13 Q Is your current position a demotion?</p> <p>14 A I guess you could call it that, yes.</p> <p>15 Q Is it less pay?</p> <p>16 A No.</p> <p>17 Q Who was that, the new general manager that</p> <p>18 put you in that position?</p> <p>19 A Al Holbrook (phonetic), or something like</p> <p>20 that. I don't really know his last name. Just know</p> <p>21 his name is Al.</p> <p>22 Q And the current GM is Keith Hall, right?</p> <p>23 A No. He's plant supervisor.</p> <p>24 Q Okay.</p> <p>25 A Al is the current GM.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q Okay. Have you seen Mr. Whited kick another</p> <p>2 employee?</p> <p>3 A Yes, ma'am.</p> <p>4 Q Who?</p> <p>5 A Michael Kulakowski, Mike Eden. That's it.</p> <p>6 Q Is Mike Eden related to Larry Eden?</p> <p>7 A Yes, ma'am.</p> <p>8 Q What is their relation?</p> <p>9 A First cousins.</p> <p>10 Q Does he still work out there, Mike Eden?</p> <p>11 A Yes, ma'am.</p> <p>12 Q What's his job?</p> <p>13 A Forklift operator.</p> <p>14 Q Is he at the fulfillment center or the main</p> <p>15 plant?</p> <p>16 A Main plant.</p> <p>17 Q Now, tell me about the times that you've</p> <p>18 seen Mr. Whited hit Michael Kulakowski.</p> <p>19 A I mean, I don't remember the dates or any</p> <p>20 times or anything like that. They would be standing</p> <p>21 there like having a conversation, and he would just</p> <p>22 kick him in the nuts.</p> <p>23 Q Have you seen -- did you see Mr. Whited do</p> <p>24 that on more than one occasion to Mr. Kulakowski?</p> <p>25 A No.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q What about hitting him in the groin area?</p> <p>2 A Yes.</p> <p>3 Q Yes? Did you see that on more than one</p> <p>4 occasion?</p> <p>5 A Yes, ma'am.</p> <p>6 Q What was Mr. Kulakowski's reaction?</p> <p>7 A He'd just cover. I mean, you know, the</p> <p>8 natural.</p> <p>9 Q Did he seem like he was in pain?</p> <p>10 A Yes, ma'am.</p> <p>11 Q Did he seem like he was in pain when</p> <p>12 Mr. Whited -- when you saw Mr. Whited kick him in</p> <p>13 the groin area?</p> <p>14 A Yes, ma'am.</p> <p>15 Q Did he say anything to Mr. Whited -- did</p> <p>16 Mr. Kulakowski say anything to Mr. Whited when those</p> <p>17 things would happen?</p> <p>18 A He would say stuff like dammit, Tommy, don't</p> <p>19 do that, or something like that.</p> <p>20 Q Okay. Would Mr. Whited quit doing it?</p> <p>21 A Uh-huh.</p> <p>22 Q But he would come back and do it again?</p> <p>23 A Maybe, you know, two or three days later or</p> <p>24 week later or two weeks, whatever.</p> <p>25 Q Did you see Mr. Whited hit or kick Michael</p>	<p style="text-align: right;">Page 12</p> <p>1 Q Did it seem like Mr. Kulakowski was scared</p> <p>2 of Mr. Whited?</p> <p>3 A Yes. I don't know if you call it scared or</p> <p>4 intimidation.</p> <p>5 Q And you also said that you saw Mr. Whited</p> <p>6 kick Mr. Eden. Was that also in the groin area?</p> <p>7 A Yes, ma'am.</p> <p>8 Q Was that just one time or more than once?</p> <p>9 A Just once.</p> <p>10 Q What did Mr. Eden do when that happened?</p> <p>11 A He hit him back. Not in the groin, but he</p> <p>12 punched him and told him don't ever do it again.</p> <p>13 Q And you said that he had hit you before,</p> <p>14 that Mr. Whited had hit you before, right?</p> <p>15 A Yes, ma'am.</p> <p>16 Q Where did he hit you?</p> <p>17 A In the groin or on the shoulder.</p> <p>18 Q What did you do when he would do that?</p> <p>19 A Not all the time, every time, but most of</p> <p>20 the time I would punch him back.</p> <p>21 Q Did you tell him not to do it?</p> <p>22 A Yes, ma'am.</p> <p>23 Q But he would do it again?</p> <p>24 A Maybe later on, you know. I don't know if</p> <p>25 you call it horseplay or what you call it, really.</p>
<p style="text-align: right;">Page 11</p> <p>1 Kulakowski anywhere besides the groin area?</p> <p>2 A Not kick, no.</p> <p>3 Q What about hit?</p> <p>4 A Yeah.</p> <p>5 Q Where else did you see him hit him?</p> <p>6 A I mean, I've seen him -- I guess you could</p> <p>7 count it, but he'd knock his cap off or something</p> <p>8 like that, or punch him on the arm or something like</p> <p>9 that.</p> <p>10 Q And you also mentioned that you had seen</p> <p>11 Mr. Whited do that to Mike Eden?</p> <p>12 A Uh-huh.</p> <p>13 Q Did you see him hit Mike Eden on more than</p> <p>14 one occasion?</p> <p>15 A No. Just that one time.</p> <p>16 Q I'm sorry?</p> <p>17 A Just that one time.</p> <p>18 Q Did he hit him in the groin area as well?</p> <p>19 A Yes.</p> <p>20 Q What did Mike Eden do?</p> <p>21 A Hit him back. Told him don't ever do it</p> <p>22 again.</p> <p>23 Q Did you ever hear Mr. Kulakowski -- or did</p> <p>24 you ever see Mr. Kulakowski hit Mr. Whited back?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q But he did it more than once to you?</p> <p>2 A Yes.</p> <p>3 Q And you would tell him to stop?</p> <p>4 A Yes, ma'am.</p> <p>5 Q Did you ever see Mr. Whited hit</p> <p>6 Mr. Kulakowski with a broom or another object?</p> <p>7 A No.</p> <p>8 Q Did you ever hear Mr. Whited threaten</p> <p>9 Mr. Kulakowski with his job?</p> <p>10 A Yes.</p> <p>11 Q Tell me about that.</p> <p>12 A Well, I mean, if you don't straighten up,</p> <p>13 I'll fire your ass, just stuff like that.</p> <p>14 Q When was that?</p> <p>15 A I don't recall.</p> <p>16 Q Like would it be within the year before he</p> <p>17 was fired?</p> <p>18 A Yeah, probably.</p> <p>19 Q Was it something you heard on more than one</p> <p>20 occasion?</p> <p>21 A Yes.</p> <p>22 Q Had you heard Mr. Whited threaten other</p> <p>23 employees that he would fire them?</p> <p>24 A I know I have, but I can't recall who it was</p> <p>25 or anything.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q Okay. Do you recall Mr. Whited telling any 2 employees that if they made a complaint about him, 3 he'd find out about it and fire them, anything like 4 that? 5 A No. 6 Q Who was the -- before Mr. Whited was 7 terminated, who was the HR person out at the 8 Gallatin plants? 9 A As far as we knew, Helen Kendall. 10 Q When you worked out at the Gallatin plants, 11 before Mr. Whited was investigated and eventually 12 terminated, had you received any sort of training on 13 sexual harassment? 14 A Yes. 15 Q Okay. Tell me about that. 16 A We would just have a company meeting and put 17 a slide show up and they would read it and talk 18 about it and give out the numbers and stuff. 19 Q Who would put the slide show up? 20 A Most of the time it would either be our 21 safety lady or somebody like that. 22 Q Who was the safety lady? 23 A It was Lana Potts, but she's not there no 24 more. 25 Q Do you recall anybody else besides Lana</p>	<p style="text-align: right;">Page 16</p> <p>1 company hotline? 2 A No, ma'am. 3 Q Did you ever see any posters in the 4 workplace down at the fulfillment center about the 5 company hotline? 6 A I couldn't tell you, because I don't even 7 know where the boards are at, I mean. They've 8 changed a bunch of stuff around so much. 9 Q I understand. You had some dealings with 10 Terri Henley, right? 11 A Terri Henley, yes. 12 Q Was the first time you dealt with her in 13 connection with the Whited investigation? 14 A No. I think the first time I actually 15 talked to her was when I fell on my shoulder. 16 Q Okay. What was your understanding of her -- 17 what her job was when you hurt your shoulder? 18 A I thought she was safety. I didn't know. 19 Q Okay. Were you just told you had to deal 20 with your shoulder injury through her? 21 A No. I mean, when it happened, I mean, they 22 sent me to the doctor and stuff and everything. She 23 came up and was investigating how it happened and 24 stuff like that. 25 Q When was that?</p>
<p style="text-align: right;">Page 15</p> <p>1 doing it? 2 A No. She was pretty much the one that did it 3 all. 4 Q Was that just at the main plant that you 5 recall that happening or at the fulfillment center? 6 A Now, I know we did it at the main plant. I 7 don't know if they did it at the fulfillment. 8 Q Okay. When Tommy Whited still worked there, 9 did he spend most of his time at the fulfillment 10 center? 11 A Yes, ma'am. 12 Q And that was when you were just going down 13 there occasionally, right? 14 A Uh-huh. 15 Q Before the things happened with Tommy 16 Whited, before that investigation, did you know 17 there was a company hotline? 18 A Yeah, I knew there was one. 19 Q What was your understanding what that was 20 for? 21 A For any kind of misconduct or anything going 22 on in the plant. 23 Q Did you ever use the company hotline? 24 A No, ma'am. 25 Q Did you have any concerns about using the</p>	<p style="text-align: right;">Page 17</p> <p>1 A Two years ago, January. 2 Q How often do you receive the company 3 policies or handbook? 4 A Oh, probably once a year. 5 Q When you receive them, do you sign a piece 6 of paper saying you received them? 7 A Yes, ma'am. 8 Q Are you required -- 9 A That we read them and stuff. 10 Q Right. Are you required to read them at 11 that time? 12 A Yes. 13 Q How long do you have to read them? 14 A Most of the time they give you a week. 15 Q Okay. And was that how it was at the main 16 plant? 17 A Uh-huh. 18 Q Had you ever had to deal with that at the 19 fulfillment center? 20 A No, ma'am. 21 Q Now, when you said that when Tommy Whited 22 would hit you you would hit him back, were you ever 23 concerned that you would lose your job because you 24 hit him back? 25 A No.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q Had you ever seen Tommy Whited hit or grab 2 or kick a woman in the groin area? 3 A No. 4 Q Had Michael Kulakowski ever told you that he 5 complained to Larry Eden about the way Mr. Whited 6 was treating him? 7 A No. 8 Q Had you ever heard him complain to Larry 9 Eden about the way Mr. Whited was treating him? 10 A No. 11 Q Has Mr. Whited ever shown his penis or 12 private parts to you? 13 A No. 14 Q Okay. Has he ever requested oral sex or 15 anything in that manner from you? 16 A No. 17 Q Have you ever heard of him doing either of 18 those things to any other male employees? 19 A I've not seen him actually pull anything 20 out, but I've seen him grab his zipper and state 21 stuff like that. 22 Q To who? 23 A Michael Kulakowski. 24 Q Like what did he state? I need you to say 25 what he said. I know it could be crude.</p>	<p style="text-align: right;">Page 20</p> <p>1 Just kind of blew it off. 2 Q Right. Now, other than hitting and kicking 3 you in the groin area, did he ever grab you? 4 MS. DOHNER SMITH: Objection. 5 BY MS. COLLINS: 6 Q Did Mr. Whited ever grab you in your 7 testicles or the groin area? 8 A No. 9 Q And by hitting, how would he hit -- how did 10 he hit you? How did Mr. Whited hit you? 11 A Like backhand. 12 Q Backhand you in your penis? 13 A He'd be standing beside of me and just 14 (indicating), you know. 15 Q Still painful -- 16 A Yeah. 17 Q -- as I understand it to men. 18 A Yes. 19 Q Other than the time that you spoke with 20 Ms. Henley for your workers' comp injury or your 21 shoulder injury, had you spoken with her any other 22 time besides the Whited investigation? 23 A I mean, the only time I spoke to her was 24 about my arm and then the Whited investigation. 25 Q Okay. Do you think Tommy Whited was capable</p>
<p style="text-align: right;">Page 19</p> <p>1 A He said, I'll just -- he'd pull it and out 2 and say suck my privates. 3 Q Would he say suck my dick? 4 A Yes, ma'am. 5 Q To Michael Kulakowski? 6 A Yes. 7 Q And you witnessed that? 8 A Yes. 9 Q Would he actually pull it out or would he 10 just -- 11 (Overlapping speech.) 12 A I've never seen him pull it out. 13 Q But you did see him shake his zipper at him? 14 A Yes, ma'am. 15 Q And tell him to suck his dick? 16 A Yes, ma'am. 17 Q What did Mr. Kulakowski do? 18 A I really can't recall what he said, to be 19 honest with you. 20 Q Right. But Mr. Whited never did that to 21 you? 22 A No, ma'am. 23 Q What was your reaction when you saw him do 24 that to Mr. Kulakowski? 25 A I was like, no, he didn't just do that.</p>	<p style="text-align: right;">Page 21</p> <p>1 of harming someone? 2 MS. DOHNER SMITH: Objection. 3 BY MS. COLLINS: 4 Q Based on your interactions with him? 5 A I really don't know. 6 Q But Michael Kulakowski expressed to you that 7 he was afraid of him? 8 A Yes. 9 Q Did he say why? 10 A It was just intimidation, the way he 11 controlled himself, I guess. 12 Q Were you afraid to report the way Mr. Whited 13 was treating you? 14 A Yes. 15 Q Why? 16 A I had to make a living. 17 Q Did anyone else express having the same 18 fears or concerns to you? 19 A I mean, people had talked about it, but -- I 20 mean, I don't remember who, but I've heard people 21 talk about it. Didn't do no good. 22 Q Wouldn't do any good to complain about it? 23 A Yes, ma'am. 24 Q Is that how you felt, that it wouldn't do 25 any good to make a complaint about him?</p>

<p style="text-align: right;">Page 22</p> <p>1 A Yes.</p> <p>2 Q And why was that?</p> <p>3 A I was afraid of losing my job.</p> <p>4 Q Have you ever done some kind of survey out</p> <p>5 at the fulfillment center?</p> <p>6 A Survey? What do you mean?</p> <p>7 Q I don't know. An employee survey of any</p> <p>8 kind?</p> <p>9 A We've done them at the plant. They would</p> <p>10 give out these books. You do a survey for, I guess,</p> <p>11 both facilities.</p> <p>12 Q Okay. Would you just get one of those at</p> <p>13 the main plant or had you ever received one at the</p> <p>14 fulfillment center?</p> <p>15 A Well, it was for both plants.</p> <p>16 Q Okay. Was that mandatory?</p> <p>17 A Supposedly, yes.</p> <p>18 Q Okay. Did you fill those out?</p> <p>19 A Yes.</p> <p>20 Q Did you know where they went, where those</p> <p>21 surveys went?</p> <p>22 A I just know they -- I guess went to</p> <p>23 corporate, I guess.</p> <p>24 Q Did anybody come out and give you</p> <p>25 instructions on the surveys or anything like that?</p>	<p style="text-align: right;">Page 24</p> <p>1 A Your supervisor or team members or job</p> <p>2 performance. Just different stuff.</p> <p>3 Q Okay. But you didn't feel comfortable</p> <p>4 talking about the way Mr. Whited hit people or</p> <p>5 kicked people in one of those surveys?</p> <p>6 MS. DOHNER SMITH: Objection.</p> <p>7 THE WITNESS: I didn't really see a</p> <p>8 place in there.</p> <p>9 BY MS. COLLINS:</p> <p>10 Q Okay. Do you think it would have helped</p> <p>11 things with respect to Mr. Whited's behavior if</p> <p>12 there would have been an HR person that was --</p> <p>13 MS. DOHNER SMITH: Objection.</p> <p>14 BY MS. COLLINS:</p> <p>15 Q -- available out at the plants?</p> <p>16 A I don't really know what you're asking.</p> <p>17 Q Okay. That's fine.</p> <p>18 Did you ever complain to Helen about</p> <p>19 Mr. Whited?</p> <p>20 A No.</p> <p>21 Q Why not?</p> <p>22 A I just -- the less you say, the better off</p> <p>23 you are.</p> <p>24 Q The less you say, the better off you are?</p> <p>25 A Uh-huh.</p>
<p style="text-align: right;">Page 23</p> <p>1 How did that come out?</p> <p>2 A I mean, they just give us -- you know,</p> <p>3 here's a survey, fill it out to the best of my</p> <p>4 knowledge, how you feel, date it, and then turn them</p> <p>5 in.</p> <p>6 Q Who would tell you about that, these</p> <p>7 surveys?</p> <p>8 A I mean, they would have a company meeting.</p> <p>9 Q Who would have the company meeting?</p> <p>10 A Oh, Lord. I guess most of the time it would</p> <p>11 be Larry or somebody like that.</p> <p>12 Q Okay.</p> <p>13 A Upper management.</p> <p>14 Q Did anybody ever tell you that Mr. Whited</p> <p>15 would get the survey results?</p> <p>16 A No.</p> <p>17 Q And did you fill those surveys out?</p> <p>18 A Yes.</p> <p>19 Q Did you ever complain about Mr. Whited's</p> <p>20 behavior in one of those surveys?</p> <p>21 A No.</p> <p>22 Q Was there a place in one of those surveys</p> <p>23 where you could have brought that up?</p> <p>24 A No.</p> <p>25 Q What were the surveys mostly about?</p>	<p style="text-align: right;">Page 25</p> <p>1 Q Did it seem like a lot of other people felt</p> <p>2 the same way?</p> <p>3 MS. DOHNER SMITH: Objection.</p> <p>4 THE WITNESS: (Witness moves head up</p> <p>5 and down.)</p> <p>6 BY MS. COLLINS:</p> <p>7 Q Is that a yes?</p> <p>8 A Yes.</p> <p>9 Q Were you ever present on an occasion where</p> <p>10 Mr. Kulakowski was hit or kicked and Larry Eden</p> <p>11 witnessed it?</p> <p>12 A No.</p> <p>13 Q Did Larry Eden ever witness you getting hit</p> <p>14 or kicked?</p> <p>15 A I can't recall who was standing there when</p> <p>16 he hit me in the office that day. I know there was</p> <p>17 a couple people there, but I can't remember who they</p> <p>18 were.</p> <p>19 Q Okay. What about Mike White? Do you</p> <p>20 remember if he was around?</p> <p>21 A No.</p> <p>22 Q Did you get called in on the weekends</p> <p>23 sometimes, weekends or nights, and be expected to</p> <p>24 work and not be paid for it?</p> <p>25 A No.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q Okay. Did you complain about that at some</p> <p>2 point in time or do you recall complaining about</p> <p>3 that?</p> <p>4 A Me?</p> <p>5 Q Yes.</p> <p>6 A No.</p> <p>7 Q Are you still in touch with Tommy Whited?</p> <p>8 A No.</p> <p>9 Q Did you buy any cars or anything from him?</p> <p>10 A No, I have not.</p> <p>11 Q Okay. Do you recall a situation where</p> <p>12 Mr. Whited said you weren't going to get out of</p> <p>13 shipping unless he fired you?</p> <p>14 A Me?</p> <p>15 Q Yes.</p> <p>16 A Yeah, he's told me that before.</p> <p>17 Q How did he tell you that? Or what was the</p> <p>18 context of the situation?</p> <p>19 A Well, it was basically, once you become a</p> <p>20 manager, your next step is out the door.</p> <p>21 Q What do you mean by that?</p> <p>22 A I mean, that's just what we've heard him say</p> <p>23 in the past. And what's happened over the past with</p> <p>24 some other people, when they go up in the office,</p> <p>25 then their next step would be out the door.</p>	<p style="text-align: right;">Page 28</p> <p>1 A Just regular reading glasses.</p> <p>2 Q I've already had to loan them to one other</p> <p>3 witness. It's fine.</p> <p>4 If you could turn -- down at the bottom of</p> <p>5 the page, it's got numbers. If you could turn to</p> <p>6 the one that says WestRock 211 down at the bottom.</p> <p>7 A (Witness complies.)</p> <p>8 Q And about midway down, it has your name</p> <p>9 under a line.</p> <p>10 A Uh-huh.</p> <p>11 Q If you could just read that section under</p> <p>12 your name, and it goes into the next page, let me</p> <p>13 know when you're done reading it. Just read to</p> <p>14 yourself.</p> <p>15 A Read what now?</p> <p>16 Q Just read what's under your name, just read</p> <p>17 that. And it goes a little bit into the next page.</p> <p>18 Then when you're done reading it, just let me know</p> <p>19 when you're finished. I'm going to ask you some</p> <p>20 questions about those notes.</p> <p>21 A (Reviewing document.)</p> <p>22 The whole rest of the page under Larry?</p> <p>23 Q Oh, no. Just the top part that was for you.</p> <p>24 Does this look generally like what you told</p> <p>25 Ms. Henley when she came out to the plant?</p>
<p style="text-align: right;">Page 27</p> <p>1 Q What do you mean, go up in the office?</p> <p>2 A Like move up from the floor to the office.</p> <p>3 Q Okay. So people that would get a manager</p> <p>4 position, they would --</p> <p>5 A A lot of times their next step was out the</p> <p>6 door.</p> <p>7 Q Getting fired?</p> <p>8 A Yeah.</p> <p>9 Q By Mr. Whited?</p> <p>10 A Yes.</p> <p>11 Q Was he hard to work for?</p> <p>12 A At times.</p> <p>13 Q Did you hear him yell or cuss at employees?</p> <p>14 A Yes.</p> <p>15 Q Do you recall talking with Terri Henley</p> <p>16 about the way Mr. Whited treated people in the</p> <p>17 workplace?</p> <p>18 A I can't recall what all we went over.</p> <p>19 Q If you could, in this binder right here, if</p> <p>20 you would turn to Exhibit Number 27.</p> <p>21 (Presented Exhibit No. 27.)</p> <p>22 THE WITNESS: I wish you'd have told</p> <p>23 me. I didn't bring my glasses.</p> <p>24 BY MS. COLLINS:</p> <p>25 Q Do you need to borrow these?</p>	<p style="text-align: right;">Page 29</p> <p>1 A Yes.</p> <p>2 Q Where did you meet with her?</p> <p>3 A At the conference room.</p> <p>4 Q At the main plant?</p> <p>5 A Yes, ma'am.</p> <p>6 Q Who all did you meet with besides</p> <p>7 Ms. Henley?</p> <p>8 A Just her.</p> <p>9 Q Okay. Was she taking notes during that</p> <p>10 meeting?</p> <p>11 A Yes.</p> <p>12 Q Was she typing or handwriting notes?</p> <p>13 A You know, I don't remember.</p> <p>14 Q Okay. And it looks like you told her that</p> <p>15 you didn't report it because you thought if you had</p> <p>16 turned it in, you would lose your job.</p> <p>17 Do you still feel that way?</p> <p>18 A About?</p> <p>19 Q If you would have reported Mr. Whited, you</p> <p>20 would have lost your job?</p> <p>21 A Yeah.</p> <p>22 Q She also has in her notes that Tommy has</p> <p>23 control over everyone, he makes you feel stupid.</p> <p>24 Is that how you felt about Mr. Whited?</p> <p>25 A He could make you feel that way.</p>

Page 30

1 Q And a little bit further down, it says,
2 "Told Larry to tell Jerry, my next step is out the
3 door. He bullies and is intimidating."
4 Had you reported the problems you were
5 having with Mr. Whited to Larry Eden?
6 A Like what problems?
7 Q The hitting.
8 A Oh, no.
9 Q What does -- do you recall what that means,
10 "Told Larry to tell Jerry my next step is out the
11 door. He bullies and is intimidating"?
12 A That was over the -- I guess pretty much
13 doing the shipping job or he wouldn't have anything
14 else for me.
15 Q Okay. You didn't want to be the shipping
16 supervisor?
17 A Not at the time, no.
18 Q And she also has in her notes that you had
19 told her, "Gradually getting worse. Maybe because
20 he is getting older. Why do you think you would
21 lose your job? What goes wrong way. When you wake
22 up not wanting to come to work every day, it is
23 bad."
24 Is that how you felt when Mr. Whited was the
25 general manager?

Page 31

1 A Yes, ma'am.
2 Q Has it gotten better since he's left?
3 A Yes.
4 Q On the next page, there's also a note that
5 hourly employees are being called in all hours of
6 the night and weekend, making them to work but not
7 paid.
8 Do you recall telling Ms. Henley about that?
9 A I don't remember telling her that, but I may
10 have. I don't know why I would.
11 Q Has that happened to you?
12 A No.
13 Q Have other employees complained about that?
14 A Not that I know of. I mean, what went on
15 with Kuli in fulfillment, I don't have a clue of
16 their time.
17 Q Okay.
18 A That's something we don't discuss.
19 Q Are you friends with Mr. Kulakowski?
20 A I am.
21 Q Have you noticed a change in his behavior in
22 the past couple of years?
23 A In what way?
24 Q Well, does he like to go out and be around
25 people as much, whether it's fishing or hunting or

Page 32

1 anything like that, or has he become more reclusive?
2 A No, he don't -- I mean, no, he don't do as
3 much as he used to.
4 Q Does he seem like he's more paranoid?
5 A Yeah, I guess. I mean, I don't know. I
6 hadn't really, you know, been around him here
7 lately.
8 Q Okay. Did he complain a lot about
9 Mr. Whited and the way Mr. Whited treated him?
10 A Yeah, he did.
11 Q Do you have any concerns about testifying
12 here today?
13 A No.
14 MS. DOHNER SMITH: Objection.
15 BY MS. COLLINS:
16 Q Do you believe Tommy Whited is capable of
17 hurting someone?
18 MS. DOHNER SMITH: Objection.
19 THE WITNESS: No.
20 BY MS. COLLINS:
21 Q Did anyone tell you why Mr. Whited was
22 terminated?
23 A No.
24 Q Did you hear anything if he was terminated
25 or if he resigned?

Page 33

1 A I heard he resigned.
2 Q That he resigned?
3 A Uh-huh.
4 Q Who did you hear that from?
5 A I mean, just gossip.
6 MS. COLLINS: All right. That's all I
7 have.
8 E X A M I N A T I O N
9 BY MS. DOHNER SMITH:
10 Q Earlier you testified that Mr. Whited had
11 hit you in the groin or on the shoulder. He never
12 kicked you in the groin, correct?
13 A No, ma'am.
14 Q And you had told Ms. Henley that that
15 happened over the years probably three times. Is
16 that accurate?
17 A What? Hitting me?
18 Q Yes.
19 A Yes.
20 Q What do you mean by over the years?
21 A In the last three or four years, five years,
22 something like that.
23 Q All right. You said that you had heard
24 Tommy threaten Mr. Kulakowski's job, that if he
25 didn't straighten up, I'll fire your ass. What was

Page 34

1 he referring to? Had Mr. Kulakowski done something
2 wrong or made a mistake on the job?
3 A A lot of it is just he wouldn't -- hadn't
4 done it his way or how he thought it should have
5 been handled.
6 Q Okay. So that was in reference to how
7 Mr. Kulakowski was performing his job?
8 MS. COLLINS: Objection to form.
9 BY MS. DOHNER SMITH:
10 Q The threats to fire? Tommy didn't like the
11 way Mr. Kulakowski was doing his job, or wasn't
12 doing it Tommy's way?
13 MS. COLLINS: Objection to form.
14 THE WITNESS: Yeah, I mean, just -- I
15 really don't know how to put it. It would probably
16 be half and half. Just aggravation and just doing
17 his job, too. Just to be a smart aleck.
18 BY MS. DOHNER SMITH:
19 Q Do you know what Helen Kendall's actual job
20 title was?
21 A No, not really.
22 Q Okay. You said that you saw Mr. Whited grab
23 his zipper and say something along the lines of suck
24 my dick.
25 A Uh-huh.

Page 35

1 Q When was that?
2 A Oh, I don't recall the date or time or
3 anything.
4 Q How long before Mr. Whited was terminated?
5 A I really don't know, to be honest with you.
6 Q Did you only see that one time?
7 A Yes, ma'am.
8 Q Earlier you said you didn't think it would
9 do any good to complain about Tommy. Somebody made
10 a complaint about Tommy, correct?
11 MS. COLLINS: Objection to form.
12 THE WITNESS: If he did, I don't know.
13 BY MS. DOHNER SMITH:
14 Q The company came in to do an investigation
15 into Tommy, correct?
16 A Yes.
17 Q And shortly after the investigation, Tommy
18 was no longer employed at WestRock, correct?
19 A Yes.
20 Q Do you have any knowledge of anybody making
21 a complaint about Tommy and then actually being
22 terminated by him?
23 A No.
24 Q Okay. I just want to clarify your testimony
25 regarding when you become a manager your next step

Page 36

1 is out the door, when you took on shipping, your
2 next step was out the door.
3 That was in relation to you getting the
4 shipping supervisor position and you didn't want it
5 and Tommy didn't have anything else for you? Is
6 that what you --
7 A No, no, that's not what I meant.
8 Q Okay. What did you mean?
9 A Over the years past, by other people,
10 usually when they would go to the office, usually
11 their next step would be out the door.
12 Q Who?
13 A Just people that's worked there before.
14 Q Were they fired or did they quit?
15 A Some quit and some just, you know, didn't
16 have nothing for them to do.
17 Q Okay. So you're not saying that Tommy
18 promoted people so he could fire them?
19 A No.
20 Q You testified that Tommy would yell and cuss
21 at employees. That's something he did in front of
22 all of the employees, correct?
23 A I mean, he done it in front of people, yeah.
24 Q Okay. And there would be female employees
25 around when he would yell and cuss?

Page 37

1 A I don't know so much about that.
2 Q Okay. There are females on the floor
3 working, right?
4 A Yes.
5 Q And he would yell and cuss on the floor?
6 MS. COLLINS: Objection to form.
7 THE WITNESS: Yes, he has.
8 BY MS. DOHNER SMITH:
9 Q Okay. If Tommy Whited was terminated after
10 this investigation, why do you still feel that if
11 you had reported him you would have lost your job?
12 MS. COLLINS: Objection to form.
13 THE WITNESS: You're talking about now?
14 BY MS. DOHNER SMITH:
15 Q Yes.
16 A I don't feel that way now.
17 Q Oh, okay.
18 A He's no longer there.
19 Q Okay. So sitting here today, you think if
20 you had reported him in the past, you wouldn't have
21 been fired?
22 MS. COLLINS: Objection to form.
23 THE WITNESS: I don't really know what
24 would have happened, to be honest.
25

Page 38

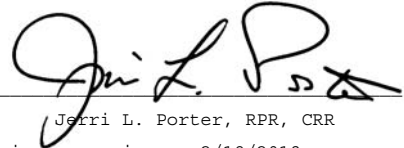
1 BY MS. DOHNER SMITH:
2 Q Okay.
3 A I was just scared to say anything because
4 wasn't...
5 Q You said that Mr. Kulakowski doesn't do as
6 much as he used to. Did that start when he started
7 having back problems?
8 MS. COLLINS: Objection to form.
9 BY MS. DOHNER SMITH:
10 Q He hurt his back a few years ago?
11 A Yeah, for a little while. And then, you
12 know, it got better, and he seemed like he was his
13 old self. But now I guess he's hurting again. I
14 don't really know. Like I said, I hadn't talked to
15 him in a month-and-a-half.
16 Q Okay.
17 A Well, worked with him for a
18 month-and-a-half.
19 Q You were asked if Mr. Kulakowski seemed more
20 paranoid. You said, I guess, but not around him.
21 Have you witnessed him doing anything that you would
22 consider he's paranoid?
23 A He's just a nervous guy. I mean, he's real
24 nervous. But the least little thing upsets him.
25 Q Has he always been that way, a nervous guy?

Page 39

1 A Not as bad when he first started. But the
2 longer he stayed, the worse it got.
3 Q Okay. Did Mr. Kulakowski ever tell you that
4 he had made a complaint to anybody in HR, the
5 corporate office, about Mr. Whited?
6 A No.
7 MS. DOHNER SMITH: I think that's it.
8 MS. COLLINS: I'm done.
9 FURTHER DEPONENT SAITH NOT.
10 (Proceedings concluded at 1:15 p.m.)
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Page 40

REPORTER'S CERTIFICATE

1
2
3 I, Jerri L. Porter, RPR, CRR, Notary
4 Public and Court Reporter, do hereby certify that I
5 recorded to the best of my skill and ability by
6 machine shorthand all the proceedings in the
7 foregoing transcript, and that said transcript is a
8 true, accurate, and complete transcript to the best
9 of my ability.
10 I further certify that I am not an
11 attorney or counsel of any of the parties, nor a
12 relative or employee of any attorney or counsel
13 connected with the action, nor financially
14 interested in the action.
15 SIGNED this 28th day of November, 2017.
16
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20
21 
22 Jerri L. Porter, RPR, CRR
23 My Notary commission expires: 2/19/2018
24 Tennessee LCR No. 335
25 Expires: 6/30/2018

Page 41

E R R A T A

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2
3 I, JERRY WAYNE HARVILLE, having read the
4 foregoing deposition, Pages 1 through 39, taken
5 November 16, 2017, do hereby certify said
6 testimony is a true and accurate transcript,
7 with the following changes, if any:
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9
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19 JERRY WAYNE HARVILLE
20
21
22
23 Notary Public
24 My commission expires: _____
25